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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/184,744      | 11/03/1998  | COLIN A. WARWICK     | WARWICK-9           | 4615             |

7590 07/12/2005

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EXAMINER

TRAN, PHUC H

|          |              |
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| ART UNIT | PAPER NUMBER |
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2666

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/184,744

Applicant(s)

WARWICK, COLIN A.

Examiner

PHUC H. TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-15,17-22,24,25,27-29 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-22,24,25,27-29 and 31-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/9/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3-10, 12-15, 17, 19-22, 24 are objected to because of the following informalities:  
“a common channel” should rewrite as “a single channel”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-10, 11-15, 17-22, 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding to claims 1, 11, and 18, “a single general digital audio” is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the specification, “a common general digital audio broadcast channel” is disclosed and “common...channel” are difference from “single... channel”.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-15, 17-22, 24-25, & 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al. (U.S. Patent No. 6160585) in view of Bando et al. (U.S. Patent No. 6040867).

- With respect to claims 1, 11, 15, 17-18, 22, & 24-25, Schmidt teaches system for selective multicasting in a communications system which is interpreted as the claimed a system for transmitting a plurality of localized information streams (e.g. the antenna 101 in Fig. 3 receives information streams) within a common general digital audio broadcast channel (col. 1, lines 11-15), which comprises:

at least one local audio content source to provide (e.g. plurality commercial for each local customers);

a plurality of local broadcast identifying codes each associated with a respective one of the plurality of local content source information streams (e.g. a level address discrimination which bases upon the geographical location, col. 2, lines 20-22; col. 4, lines 55-67);

a formatting module adapted to insert the plurality of local broadcast identifying codes into respective ones of the plurality of local content source information streams (col. 2, lines 16-23);

a digital radio transmitter adapted to transmit data frame each containing at least one of the plurality of local broadcast identifying codes and at least a portion of one of the plurality of local content source information streams (e.g. block 18 in Fig. 1). Schmidt fails to teach a digital radio transmitter and a packetizing the information stream, wherein at least on of the plurality of local broadcast identifying codes is contained in a header of each data packet transmitted by the transmitter. Bando teaches baseband video signal to packet (col. 3, lines 9-17), which contains

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identifying codes in header of each data packet (col. 3, lines 22-24). Bando has the same or similar field of transmitting video over free space and the transmitting unit of Schmidt can be implement by packetizing the video frame into packet at the video processing and utilizing the digital radio transmitter at block 18 to transmit information over free space. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the packetizing digital data of Bando into Schmidt for sharing bandwidth, protecting information data and fast transmission to receivers.

- With respect to claim 3, Schmidt teaches wherein the transmitter transmits the data packets using a one-way broadcast scheme (e.g. the transmitting video segment through the satellite is one way broadcast).

- With respect to claim 4, Schmidt further teaches wherein the transmitter transmits the data packets in a time division multiplex scheme (col. 3, line 8).

- With respect to claim 5, Schmidt also teaches wherein the plurality of local broadcast identifying codes each relate to a local geographic area within a general broadcast area services by the system (e.g. address of video segment is relate to local geographic with special advertisement of special audiences).

- With respect to claims 6-8, 13, 20, 27, & 31, Schmidt teaches the address of video segment, which is dynamic to different audiences. Schmidt fails to explicitly teach wherein the plurality of local broadcast identifying codes each relate to a postal code, a zip code and base on a respective geographic area.

However, it is understood the address of video segment is identification of receivers and the address, which could be any thing such as postal code or zip code, purposes for identify of

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the receiver. Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to know the code of identification, which could be any thing with purposing of, identify the receivers.

- With respect to claim 9, Schmidt discloses wherein the system for transmitting is included within a satellite broadcast system (Fig. 4).

- With respect to claim 10, Schmidt also discloses wherein the system for transmitting is included within a wired cable broadcast system (col. 1, lines 45-47).

- With respect to claims 12 & 19, Schmidt teaches wherein the local content information streams are in each of a digital audio broadcast information stream (e.g. the address in video segment).

- With respect to claims 14 & 21, Schmidt teaches wherein the general broadcast area is nationwide (e.g. Fig. 4 the satellite 210 broadcasting to a region).

- With respect to claim 28, Schmidt teaches audio encoders to compress a transmitted data rate with respect to the local audio content source (col. 3, lines 17-18).

- With respect to claim 29, Schmidt teaches a method of receiving one of a plurality of local audio content source information streams in a common channel of a digital audio broadcast system (e.g. the antenna 101 in Fig. 3 receives information streams), which comprises:

- monitoring the common channel for a local audio transmission associated with a geographic location of a receiver (col. 4, lines 19-21);

- playing back the local audio content source information stream if a monitored local transmission is associated with the geographic location of the receiver (col. 4, lines 28-31);

the monitoring includes a search of detected data packets for the unique local broadcast identifying code contained therein corresponding to a transmission associated with the geographic location of the receiver (e.g. the VPE 108 selects one of addressable video segment, which is base upon certain demographic).

Schmidt fails to explicitly disclose storing a unique local broadcast identifying code associated with the geographic location of the receiver. However, it is understood, there is the storing a unique local broadcast identifying code associated with the geographic location of the receiver for selecting one of broadcast information from the satellite or cable in Schmidt's system (col. 4, lines 55-67).

Schmidt fails to teach a digital radio transmitter and a packetizing the information stream, wherein at least on of the plurality of local broadcast identifying codes is contained in a header of each data packet transmitted by the transmitter.

Bando teaches baseband video signal to packet (col. 3, lines 9-17), which contains identifying codes in header of each data packet (col. 3, lines 22-24). Bando has the same or similar field of transmitting data over free space and the transmitting unit of Schmidt can be implement by packetizing the video frame into packet at the video processing and utilizing the digital radio transmitter at block 18 to transmit information over free space. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the packetizing digital data of Bando into Schmidt for sharing bandwidth, protecting information data and fast transmission to receivers.

- With respect to claim 32, Schmidt teaches preempting reception of a general broadcast during reception of transmission relating to the geographic location of the receiver (e.g. the video

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segment is general broadcast and the advertisement or commercial is related to local or specific audiences).

- With respect to claim 33, Schmidt teaches superimposing transmissions associated with the geographic location of the receiver with transmission relating to a general broadcast (e.g. the storing commercial and display at the specific time).

### ***Response to Amendment***

6. Applicant's arguments filed 2/9/05 have been fully considered but they are not persuasive.

- In response to Applicant's argument that neither Schmidt nor Bondo teach or suggest a Digital Audio Broadcast. Examiner respectfully disagrees. Schmidt teaches Video digital signal (abstract), which is broadcasted to receiver (100 in Fig. 3).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
July 8, 2005



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FEDERAL BUREAU OF INVESTIGATION